

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 27, 2007

DIVISION ONE

Court convened at 9:00 a.m.

Present: Mallano, Acting P.J., Vogel (Miriam A.), J., Rothschild, J., Jackson, J.
(Assigned) and P. Gonzalez, Deputy Clerk.

B193019 Preciado v. Casa Colina Hospital for Rehabilitative Medicine

Matter continued to July 24, 2007.

B190064 Yeroshalmi v. Berriche

Matter continued to July 25, 2007.

B191269 David Griffith
 v.
 Wendy Griffith

Merits:

Argued by Patricia J. Barry for appellant and no appearance for respondent.
Cause submitted.

DIVISION ONE (continued)

B188091 Charles Shapiro
 v.
 Alan Rosenbach et al.

Merits:

Argued by Sanford M. Passman for appellant and by Vangi M. Johnson for respondents. Cause submitted.

Vogel, J., leaves the bench.

B187650 Wollam International Corporation
 v.
 New Era Decorative Fabrics, Inc.

Merits:

Argued by Anne Grignon for appellant and by Steven J. Haber for respondent. Cause submitted.

Vogel, J., returns to the bench.

B190152 George A. Murrell et al.
 v.
 Donald Crocker

Merits:

Argued by Harold J. Light for appellants and by Sidney F. Croft for respondent. Cause submitted.

Rothschild, J., leaves the bench.

DIVISION ONE (continued)

B189139 Georja Jones
 v.
 Loews Santa Monica Beach Hotel

Merits:

Argued by David A. Cooper for appellant and by Joyce L. Mavredakis for respondent. Cause submitted.

Rothschild, J., returns to the bench.

Vogel, J., leaves the bench.

B190769 Pascal John Imperato
 v.
 Southern California Permanente Medical Group

Merits:

Argued by John R. Sorensen for appellant and by F. Scott Page for respondents. Cause submitted.

Vogel, J., returns to the bench.

Jackson, J. (Assigned), leaves the bench.

B191324 J. Mark Burnett
 v.
 Dianne J. Burnett

Merits:

Argued by J. Nicholas Cuneo for appellant and by William S. Ryden for respondent. Cause submitted.

June 27, 2007 (Continued)

DIVISION ONE (continued)

Jackson, J. (Assigned), returns to the bench.

B193321 Barry Antis, as Special Administrator
 v.
 Los Angeles Unified School District et al.

Merits:

Argued by John P. Gomez for appellant, by Melanie M. Poturica for
respondent LAUSD and by Kenneth D. Watase for respondent Manrique.
Cause submitted.

Court recesses.

June 27, 2007 (Continued)

DIVISION ONE (continued)

Court reconvenes at 11:25 a.m.

Present: Mallano, Acting P.J., Vogel (Miriam A.), J., Rothschild, J., Jackson, J. (Assigned) and P. Gonzalez, Deputy Clerk.

B185657 Letantia Bussell
B187765 vs.
 William Swearinger
 In Re Estate of Georgina Darcy

Merits:

Argued by William A. Salzwedel for appellant and by Patrick J. Cain for respondent Swearinger. Cause submitted.

Vogel, J., leaves the bench.

B185657 Gregory Castillo
B187734 v.
 Community Medical Group of The West Valley Inc.

Merits:

Argued by Janeen Carlberg for appellant and by Dennis P. Riley for respondent. Cause submitted.

B188435 Ennis R. Davis
 v.
 Personnel Commission of Los Angeles Unified School District School et al.

Merits:

Argued by Audrey Y. Ripley for appellant and by Pilar Morin for respondents. Cause submitted.

Court adjourned.

June 27, 2007 (Continued)

DIVISION ONE (continued)

B185942 People (Certified for Publication)
v.
Marquez

The judgment is affirmed.

Vogel (Miriam A.), Acting P.J.

We concur: Rothschild, J.
Jackson, J. (Assigned)

B190840 Cook et al. (Not for Publication)
v.
Hsiao et al.

The order is affirmed. The parties are to pay their own costs of appeal.

Vogel (Miriam A.), Acting P.J.

We concur: Rothschild, J.
Jackson, J. (Assigned)

B194386 Los Angeles County, D.C.S. (Not for Publication)
v.
Shelli B.

The September 12, 2006 orders as to Jacob C. are affirmed. The September 26, 2006 visitation order as to Hope B. is reversed.

Mallano, Acting P.J.

We concur: Rothschild, J.
Jackson, J. (Assigned)

June 27, 2007 (Continued)

DIVISION ONE (continued)

B193903 People (Not for Publication)
v.
Daniel B.

The order of wardship is affirmed. The juvenile court is ordered to strike the portion of the order stating that “[m]inor may not be held in physical confinement for a period to exceed 6 months” and to modify condition of probation No. 15 to provide that the minor not associate with anyone known by him to be disapproved of by his parents or his probation officers.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.
Rothschild, J.

DIVISION TWO

B189879 People (Not for Publication)
v.
Douglas F.

The order appealed from is reversed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

June 27, 2007 (Continued)

DIVISION TWO (continued)

[illegible]

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

[illegible]

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Chavez, J.

B196327 People (Not for Publication)
v.
Butler

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Chavez, J.

DIVISION THREE

[illegible]

The judgment is affirmed as modified. The parole revocation fine shall be vacated. In all other respects, the judgment is affirmed. The clerk of the superior court shall prepare an amended abstract of judgment to reflect this modification, and forward the amended abstract of judgment to the Department of Corrections.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B191397 People (Not for Publication)
v.
Jackson, et al.

The judgments are affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B194964 People (Not for Publication)
v.
Mejia

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

DIVISION FOUR

B192373 McKee (Not for Publication)
v.
Pasadena City College Chapter of California Teachers Association

The May 19, 2006 order is affirmed. The parties are to bear their own costs.

Suzukawa, J.

We concur: Epstein, P.J.
Manella, J.

B190532 People (Not for Publication)
v.
Quinones

The judgment is modified to strike the enhancement (12022.53, subd. (b)) under count 2, and to reflect good time/work time custody credits of 75 days. IN all other respects the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment to reflect these modifications, and to forward it to the Department of Corrections.

Manella, J.

We concur: Willhite, Acting P.J.
Suzukawa, J.

DIVISION FIVE

B191248 People (Not for Publication)

V.
Antonio Ledezma

The judgment and sentence are affirmed.

Mosk, J.

We concur: Armstrong, Acting P.J.
 Kriegler, J.

DIVISION SIX

B192109 Akkerman (Certified for Publication)

V.
Mecta Corporation, Inc.

The order is affirmed. Costs on appeal are awarded to respondent.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B184772 People

v.
Acosta

Filed order vacating submission order of May 8, 2007, to allow the parties time to file supplemental letter briefs requested by this court. The cause shall be resubmitted when the supplemental letter briefs have been filed. (Rule 8.256(e)(1), Calif. Rules of Court)

DIVISION SEVEN

[illegible]

The judgment with respect to the sentences imposed on counts 2, 3 and 6 is reversed, and the matter is remanded for resentencing on those counts. The new abstract of judgment prepared after resentencing shall reflect the trial court's oral pronouncement of sentence on counts 4 and 5 by deleting the reference to a stay pursuant to section 654 for the one-year term imposed on count 4 for assault with a firearm and by indicating a stay pursuant to section 654 for the great-bodily-injury enhancement of one year under section 12022.7, subdivision (a), related count 5 for criminal threats. In all other respects, the judgment is affirmed.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

B186499 Barton Properties, Inc., et al., (Not for Publication)
v.
King, Purtich, Holmes, Paterno and Berliner et al.,

The judgment is affirmed. The postjudgment order for attorney fees is affirmed. King, Holmes and Paterno the law firm of King, Purtich, Paterno and Berliner are to recover their costs on appeal.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

DIVISION SEVEN (continued)

B179387 Orthotec, LLC (Not for Publication)

v.
Eurosururgical, S.A.

B189213 Eurosururgical, S.A., et al.,

v.
S.C.L.A.
Orthotec, LLC

That portion of the judgment finding against Eurosururgical on its cause of action for declaratory relief is reversed; and the matter is remanded with directions to the trial court to modify the judgment to provide that Eurosururgical is entitled to a 10 percent economic interest in OrthoTec, LLC from the date of August 27, 2004 judgment forward. In all other respects, the judgment is affirmed. The petition for writ of habeas corpus/certiorari is granted; and the trial court is directed to vacate its order of contempt. OrthoTec, LLC is to recover its costs in the appeal. Eurosururgical is to recover its costs in the writ proceeding.

Perluss, P.J.

We concur: Johnson, J.
 Zelon, J.

DIVISION EIGHT

B189721 People (Not for Publication)

v.
Juan T.

The maximum term of physical confinement set by the court is stricken. In all other respects, the judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.
 Boland, J.

DIVISION EIGHT (continued)

B188427 Walker et al., (Not for Publication)

v.

Farmers Insurance Exchange

The judgment, as modified by respondents' acceptance of the remitted judgment, is affirmed. Respondents Walker and Williams are to recover their costs on appeal.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.

B193262 Los Angeles County, D.C.S. (Not for Publication)

v.

Laurie W.

The August 22, 2006 orders denying mother's section 388 petition, and ordering a permanent plan of legal guardianship are affirmed.

Boland, J.

We concur: Cooper, P.J.
Rubin, J.

B195401 Los Angeles County, D.C.S. (Not for Publication)

v.

Sara A.

The court's order denying mother's section 388 petition without a hearing is affirmed.

Rubin, J.

We concur: Cooper, P.J.
Flier, J.